

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

_____	)	
TIMOTHY DEBRITTO,	)	
Plaintiff,	)	
	)	
v.	)	No. 1:21-cv-00203-MSM-PAS
	)	
PATRICIA COYNE-FAGUE	)	
Defendant.	)	
_____	)	

ORDER

Mary S. McElroy, United States District Judge.

The plaintiff, a prisoner at the Adult Correctional Institutions, has sued the then-Director of the Department of Corrections (“DOC”) and the Warden because of the DOC’s alleged failure to ensure that meals served to Muslim inmates during Ramadan satisfy both nutritional and religious entitlements. He invoked the First and Eighth Amendments to the United States Constitution, provisions of the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. 2000cc-1, and the Court’s jurisdiction pursuant to 42 U.S.C. § 1983.

Mr. DeBritto seeks injunctive relief, praying that the Court order the DOC “to serve proper Ramadan meals.” (ECF No. 1, ¶ VI.) The DOC has moved to dismiss claiming that the Complaint is now moot because, it alleges, it has “voluntar[ily] adopt[ed] a policy of providing nutritionally adequate meals, at appropriate times

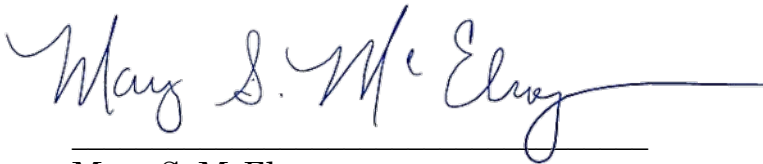
(before sunrise and after sunset), using appropriate ingredients.” (ECF No. 32, at 2.)

This contention is supported by an affidavit as well as a purported menu.

Mr. DeBritto, in his Objection, disputes the factual assertions made by DOC and attaches to his Memorandum other menus. He specifically contests whether the DOC practice has changed and, even if so, whether it now meets the dictates of Ramadan while being as nutritious as the diets given to non-Muslim inmates.

Mootness in this case depends on a resolution of the factual disputes which may not be accomplished on a Motion to Dismiss. The defendants’ Motion to Dismiss (ECF No. 32.) on grounds of mootness is DENIED

IT IS SO ORDERED:

A handwritten signature in blue ink, reading "Mary S. McElroy", followed by a horizontal line.

Mary S. McElroy,  
United States District Judge

August 9, 2023